

REMARKS

Applicants are amending their claims in order to further clarify the definition of various aspects of the present invention. Specifically, Applicants have amended claim 1 to recite that the shift selection shaft is driven in the first direction and that the shift selection “shaft” is simultaneously guided in the second direction, thereby driving the shift selection shaft in the first direction and simultaneously driving it in the second direction. Thus, claim 1 has been amended to insert a word regrettably previously omitted therefrom in the Preliminary Amendment filed January 22, 2004.

The rejection of claims 1-3 under the second paragraph of 35 USC 112, as set forth in Item 7 on page 3 of the Office Action mailed November 22, 2006, is noted. In light of amendment of line 7 of claim 1 to recite said shift selection “shaft”, it is respectfully submitted that the basis for rejection of claim 1 as indefinite is now moot. Clearly, there is antecedent basis for the “shift selection shaft”, for example, in line 2 of claim 1.

Applicants respectfully traverse the rejection of their claims under the first paragraph of 35 USC 112, as failing to comply with the enablement requirement, as set forth in Item 6 on pages 2 and 3 of the Office Action mailed November 22, 2006. As will be shown in the following, it is respectfully submitted that especially in light of, e.g., the guide slit 40 shown, for example, in Fig. 3 of Applicants’ disclosure, and noting Fig. 6 of Applicants’ original disclosure, and also noting other embodiments as shown, e.g., in Fig. 11 of Applicants’ original disclosure, it can clearly be seen that the actuator drives the shift selection shaft in the first direction while simultaneously guiding the shift selection shaft in the second direction, thereby providing a clearly enabling disclosure for the presently claimed subject matter so as to satisfy the enablement requirement of the first paragraph of 35 USC 112.

In this regard, attention is respectfully directed to, for example, from page 12, line 10 through the end of page 15, of Applicants' substitute specification submitted with the Preliminary Amendment filed January 22, 2004 (hereinafter Applicants' substitute specification). As can be seen therein, as the follower 33 moves through the slant part 42a or 42c, the follower 33 moves obliquely in response to the operation force in the shift direction. That is, in moving obliquely, the shift selection shaft is driven in the first direction and simultaneously guided in the second direction, thereby driving the shift selection shaft in the first direction and simultaneously driving it in the second direction, as recited in the present claims. Note the description in the first paragraph on page 14 of Applicants' substitute specification that the follower 33 is guided both obliquely and linearly by the guide slit 40, so that when an operation force is just applied in the shift direction, even if no or a small operation force is applied in the selection direction, the follower 33 can be moved to the neutral point 43. Note also the last paragraph on page 14, describing that when the follower 33 passes through the slant part and performs a gear dejoining operation, "the follower 33 moves in the shift direction along the guide slit and simultaneously moves in the selection direction, so that the conventional operation of dejoining the gear first, stopping in the neutral position, and performing the selection operation next is not required". Clearly, this description shows movement simultaneously in the shift direction and in the selection direction, i.e., there is movement in both the first and second directions simultaneously. See also other embodiments on pages 17-19 of Applicants' substitute specification.

The comment by the Examiner on page 3 of the Office Action mailed November 22, 2006, that the language in claim 1 "attempts to claim that one motor drives the shaft in one direction while simultaneously driving the shaft in a second

direction”, is noted. Note that claim 1 recites that the “actuator” is operated to drive the shift selection shaft in the first direction simultaneously guiding the shift selection shaft in the second direction. As an embodiment, the actuator is further described as including a motor for driving the shift selection shaft in the first direction and a guide mechanism for converting motion of the shift selection shaft in the first direction to motion in the second direction, wherein the shift selection shaft is driven by the motor in the first and second directions. Again, note guide slit 40, with a plurality of parallel parts and a plurality of slant parts. Contrary to any contention by the Examiner, it is respectfully submitted that Applicants provide an actuator, illustrating such actuator with various embodiments in their specification/drawings for driving the shaft in one direction while simultaneously driving the shaft in a second direction. It is respectfully submitted that the Examiner errs in contending that the claim language “attempts to claim that one motor drives the shaft in one direction while simultaneously driving the shaft in a second direction”; to the contrary, it is respectfully submitted that Applicants clearly provide an enabling disclosure as to an “actuator” driving the shift selection shaft in the first direction simultaneously guiding the shift selection shaft in the second direction.

The additional statement by the Examiner that he “does not understand how one motor could produce movement along two orthogonal axes” is noted. It is respectfully submitted that Applicants’ disclosure is clear with respect to providing movement in the first and second directions as in the present claims, e.g., through movement along a slant direction, e.g., using a guide slit 40, as in various embodiments as described in Applicants’ disclosure.

In view of the foregoing comments and amendments, reconsideration and allowance of all claims presently in the application are respectfully requested.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 503.43282X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

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